

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant: Testardi, L.R.

Serial No.: 10/766,943

Filed: 01/30/2004

Art Unit: 2884

Examiner: Tanningco

For: Fast, simple radiation  
detector

MAIL STOP AMENDMENT

United States Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

INFORMATION DISCLOSURE STATEMENT

The Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir,

Attached please find a PTO/SB/08 and document copies for the above referenced patent application. A check in the amount of \$180 is submitted herewith to cover the fee required by 37 CFR 1.17(p).

The IDS relates to a license agreement which applicant entered into with an Iowa company on or before about 24 July 2002. The license related to the product now described in United States Patent 6,713,765 and in United States Published Patent Application 2003/0168602. Applicant asserts that at no time did any payments or tangible compensation change hands between the parties, and at

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no time did the physical possession of any prototypes change hands, though private demonstrations for the benefit of the licensee by the applicant were conducted at the time of the license. No sales or offers for sale of any product have been made to the best of the applicant's knowledge, and by the wording of the license, the contract was terminated after the two year term and the one year wind down period.

Applicant asserts that this license is not and does not evidence prior art under any section of 35 U.S.C. 102, as has been decided by the C.A.F.C. in numerous cases including *Moleculon Research Corp. v. CBS, Inc.*, 793 F.2d 1261, 1267, 229 USPQ 805, 809 (Fed. Cir. 1986) (holding that an assignment of rights in an invention in exchange for a share of any proceeds from commercialization did not invalidate claims at issue because "an assignment or sale of the rights in the invention and potential patent rights is not a sale of 'the invention' within the meaning of section 102(b)") and as described in the M.P.E.P. at Section 2133.03(b)(I)(D) (A Sale of Rights Is Not a Sale of the Invention and Will Not in Itself Bar a Patent). However, applicant submits a copy of the License to fulfill his duty of candor.

Respectfully Submitted,  
for Applicant

  
\_\_\_\_\_  
David A. Testardi, Reg. 33,639

1602 Belle View Blvd., PMB #700  
Alexandria, VA 22307  
Tel/Fax 703-765-3176

Substitute for form ~~1041A~~ PTO

PTO/SB/08a (07-06)

Approved for use through 09/30/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

**(Use as many sheets as necessary)**

Sheet	1	of	2
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**Complete if Known**

Application Number	10/766,943
Filing Date	01/30/2004
First Named Inventor	Testardi, Louis R.
Art Unit	2884
Examiner Name	Taningco, Marcus H.
Attorney Docket Number	tes5

## U. S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> *Number <sup>4</sup> *Kind Code <sup>5</sup> (if known)				


Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Substitute for form 1449B/PTO  <div style="text-align: center;">  </div> <h2 style="text-align: center; margin: 10px 0;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</h2> <p style="text-align: center; margin: 10px 0;">(Use as many sheets as necessary)</p>				<b>Complete if Known</b>	
				Application Number	10/766,943
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				Attorney Docket Number	
Sheet	2	of	2		

[illegible]

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